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Jun Suzuki

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EXAMINER

WU, RUTAO

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3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/942,912

Applicant(s)

SUZUKI, JUN

Examiner

Rob Wu

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 03 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,064,981 to Barni et al in view of U.S. Pat No. 5,794,207 to Walker et al in further view of U.S. Pub No. 2003/0105682 to Dicker et al.

Referring to claims 1, 4, 7: Barni et al discloses the following

A price information mediating process for providing selling price information of at least one product supplier to at least one user: said process comprising the steps of:

a) receiving product search conditions from said user; (col 5: lines 36-50)

b) retrieving a normal selling price of a desired product from storage means in accordance with said product search condition from said user, said storage means including normal selling price information which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)

c) sending said retrieved normal selling price to said user; (col 6: lines 3-6)

Barni et al does not expressly disclose the following:

d) displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price;

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and

the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

Barni and Walker taken either individually or combined does not expressly disclose a button indicating that said user does not wish to purchase the product right now, but wishes to register the desired purchasing price. However, Walker indicates that the buyer in his invention may enter an expiration date to the CPO if desired. (col; 16: lines 46-47; FIG 5) Therefore if an expiration date is entered then the buyer's interest in the CPO is saved for presenting to the suppliers even if the buyers log off the system. (col 15: lines 46-50; col 16: lines 3-7, 49).

Dicker et al disclose a "save for later" button that promotes the buyer if the buyer would like to save the items for later purchase. (Fig 15; [0223]) Therefore, it would have been obvious at the time of the invention for Barni combined with Walker to display a button as disclosed by Dicker et al for buyers to indicate that the buyers would like to purchase the item at a later time. Barni combined with Walker would be motivated to perform such modification to combine prior art elements according to known methods to yield predictable results in order to facilitate the buyer's usage of the inventive system.

Barni does not teach

e) receiving and maintaining the desired purchasing price presented by said user even after a current session is finished; and

f) selectively sending said desired purchasing price to said product supplier when the desired purchasing price presented by said user matches a condition about the selling price presented by the product supplier, while selectively sending product information to said user when a new product satisfying the desired purchasing price is offered by an arbitrary product supplier.

Walker disclose that buyers log on establish a CPO and search for the subject that they are interested in and the CPO is saved for presenting to the suppliers even if the buyers log off the system. (col 15: lines 46-50; col 16: lines 3-7, 49).

Walker teaches selectively sending said desired purchasing price to said product supplier when the desired purchasing price presented by said user mates a condition about the selling price presented by the product supplier by disclosing that the central controller to display CPO only to the most appropriate sellers. (col 18: lines 19-20)

Walker also teaches selectively sending product information to said user when a new product satisfying the desired purchasing price is offered by an arbitrary product supplier by disclosing that any number of sellers can respond to the buyer's CPO and any number of responses can be submitted up to the buyer's willing purchase price. (col 20: lines 5-15) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively inform suppliers when the selling price meets the buyer's buying price. Barni et al provides specific motivation by disclosing a system that allows price negotiation and already has the feature of notifying winning suppliers who meets the buyer's buying price.

Referring to claims 2 and 5:

A price information mediating process for providing selling price information of at least one product supplier to at least one user: said process comprising the steps of:

- a) receiving product search conditions from said user; (col 5: lines 36-50)
- b) retrieving a normal selling price of a desired product from storage means in accordance with said product search condition from said user, said storage means including normal selling price information and allowable discount selling price corresponding to said normal selling price which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)
- c) sending said retrieved normal selling price to said user; (col 6: lines 3-6)
- d) displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price;

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be

motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

Barni and Walker taken either individually or combined does not expressly disclose a button indicating that said user does not wish to purchase the product right now, but wishes to register the desired purchasing price. However, Walker indicates that the buyer in his invention may enter an expiration date to the CPO if desired. (col; 16: lines 46-47; FIG 5) Therefore if an expiration date is entered then the buyer's interest in the CPO is saved for presenting to the suppliers even if the buyers log off the system. (col 15: lines 46-50; col 16: lines 3-7, 49).

Dicker et al disclose a "save for later" button that promotes the buyer if the buyer would like to save the items for later purchase. (Fig 15; [0223]) Therefore, it would have been obvious at the time of the invention for Barni combined with Walker to display a button as disclosed by Dicker et al for buyers to indicate that the buyers would like to purchase the item at a later time. Barni combined with Walker would be motivated to perform such modification to combine prior art elements according to known methods to yield predictable results in order to facilitate the buyer's usage of the inventive system.

e) receiving the desired purchasing price presented by said user; and (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Barni et al disclose an negotiating system that allows the suppliers the freedom to set their own price and therefore making sure that the purchasing price is higher than

the selling price. If the supplier does not like the purchase price, he has the option of not enter in to contract with the buyer. However, Barni et al does not expressly disclose

f) comparing the desired purchasing price with the allowable discount selling price and selectively sending said desired purchasing price to said product supplier if said desired purchase price is greater than said allowable discount selling price. (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

walker discloses that the central controller transmits the display only to the most appropriate sellers (col 18: lines 19-20), and since the buyer inputs the desired price when the CPO is submitted(col 16: line 49), then the central controller is capable of sending the CPO to the appropriate sellers when the CPO price is higher than the supplier's price.

Therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively inform suppliers when the selling price meets the buyer's buying price. Barni et al provides specific motivation by disclosing a system that allows price negotiation and already has the feature of notifying winning suppliers who meets the buyer's buying price.

Barni et al disclose the following:

Referring to claim 8:

The server as claimed in Claim 7, wherein said storage means also stores allowable discount selling price corresponding to said normal selling price which have been pre-registered by said product supplier, said second sending means determines whether said desired purchasing price is greater than said allowable discount selling

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price and sends said desired purchasing price to said product supplier when said second sending means determines that said desired purchasing price is greater than said allowable discount selling price. (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Referring to claim 10:

The server as claimed in claim 7, further comprising:

Fourth receiving means for receiving selling permission reporting information from the shop terminal; and (col 6: lines 13-18)

Third sending means for sending said selling permission reporting information to said user terminal. (col 6: lines 1-6)

5. Claims 3, 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barni et al in view of U.S. Pub No 2002/0010611 to Yamaji et al in further view of Dicker et al.

As per claims 3 and 6, Barni discloses the following limitations:

Receiving product search conditions from said user; (col 5: lines 36-50)

Retrieving a normal selling price of a desired product from first storage means in accordance with said product search condition from said user, said first storage means including normal selling price information which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)

Sending said retrieved normal selling price to said user; (col 6: lines 3-6)

Displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price.

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

Barni and Yamaji taken either individually or combined does not expressly disclose a button indicating that said user does not wish to purchase the product right now, but wishes to register the desired purchasing price. However, Yamaji disclose saving the buyer's submitted purchase information, otherwise Yamaji would not be able to notify the buyer if purchase condition changes. [0074]

Dicker et al disclose a "save for later" button that promotes the buyer if the buyer would like to save the items for later purchase. (Fig 15; [0223]) Therefore, it would

have been obvious at the time of the invention for Barni combined with Yamaji to display a button as disclosed by Dicker et al for buyers to indicate that the buyers would like to purchase the item at a later time. Barni combined with Yamaji would be motivated to perform such modification to combine prior art elements according to known methods to yield predictable results in order to facilitate the buyer's usage of the inventive system.

Receiving a desired purchasing price presented by said user; (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Storing said desired purchasing price in second storage means; (col 8: lines 14-18)

Receiving a request for updating said normal selling price stored in said first storage means; and (Fig 3)

Barni does not disclose the system notifying users in case normal selling price takes a value less than the desired purchase price after a seller update.

Yamaji discloses in his application that the customers can choose notification options. For example, automatic notification when discount rate changes by a predetermined value or more, notification in the case where a more advantageous condition occurs on another date of delivery, etc. [0074] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barni's invention to include a notification option. One would be motivated to perform such modification to assist the users in obtaining the best price for a desired product.

As per claim 9, Barni discloses means for receiving a request for updating normal selling price. (Fig 3)

Barni does not disclose the system notifying users in case normal selling price takes a value less than the desired purchase price after a seller update.

Yamaji discloses in his application that the customers can choose notification options. For example, automatic notification when discount rate changes by a predetermined value or more, notification in the case where a more advantageous condition occurs on another date of delivery, etc. [0074] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barni's invention to include a notification option. One would be motivated to perform such modification to assist the users in obtaining the best price for a desired product.

Conclusion

6. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw



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PRIMARY EXAMINER